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9

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA—DISTRICT OF SACRAMENTO**

12 Plaintiffs LUIS BARAJAS, MARIA  
13 VARGAS, and ELBA VIZCAINO, on behalf  
14 of a class of similarly situated individuals,

15 Plaintiffs

16 vs.

17 BLUE DIAMOND GROWERS INC,  
18 DENISE HORN, individually, and DOES 1  
through 40, inclusive

19 Defendants.  
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**Case No. 1:20-cv-00679-JLT-SKO**

**STIPULATION AND REQUEST AND  
ORDER EXTENDING TIME TO  
RESPOND TO SECOND AMENDED  
COMPLAINT AND FILE THIRD  
AMENDED COMPLAINT; ORDER  
CONTINUING SCHEDULING  
CONFERENCE**

**(Doc. 40)**

Trial Date: Not Set

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22 BLUE DIAMOND GROWERS,  
23 (erroneously sued as BLUE DIAMOND  
24 GROWERS INC.) and DENISE HORN  
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Pursuant to Local Rules 144(a), Plaintiffs Luis Barajas, Maria Vargas, And Elba Vizcaino, on behalf of themselves and those similarly situated (“Plaintiffs”) and Defendants Blue Diamond Growers and Denise Horn (“Defendants”) (collectively, “Parties”) hereby stipulate, and request as follows:

1. The Parties previously stipulated to an extension of time for Defendants to file its Response to Plaintiffs’ Second Amended Complaint (“Complaint”) for twenty-eight (28) days so they Parties could meet and confer, pursuant to the Local Rule 144(a), which allows Parties to stipulate to extend time to respond to a complaint for up to twenty-eight (28) days.

2. The Parties met and conferred regarding Plaintiffs’ Complaint and Plaintiffs will amend the Complaint and file a Third Amended Complaint.

3. To avoid unnecessary law and motion, the Parties request an additional extension of thirty (30) days for Defendants to file its Response to Plaintiffs’ Second Amended Complaint so Plaintiffs may amend its Complaint and file a Third Amended Complaint.

IT IS SO STIPULATED.

Dated: July 11, 2022

MALLISON & MARTINEZ

By: /s/ Hector R. Martinez

Stan Mallison  
Hector Martinez  
Gonzalo Quezada  
Attorneys for Plaintiffs

SEYFARTH SHAW LLP

By: /s/ Phillip J. Ebsworth

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Michelle L. DuCharme  
Attorneys for Defendants

**ORDER**

After consideration of the parties' foregoing Stipulation (Doc. 40), and good cause appearing to extend time to respond to Plaintiffs Second Amended Complaint, the Court Orders as follows:

- (a) Defendants' time to Respond to Plaintiffs Second Amended Complaint is EXTENDED to **August 11, 2022**;
- (b) Plaintiffs may file its Third Amended Complaint by **July 26, 2022**; and
- (c) The Initial Scheduling Conference, currently set for August 30, 2022, is CONTINUED to **September 27, 2022**, at 9:45 AM before Magistrate Judge Sheila K. Oberto. The parties shall file their joint scheduling report no later than seven days before the Conference.

IT IS SO ORDERED.

Dated: **July 12, 2022**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE